

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

State of New Hampshire,)	
)	
Complainant)	
v.)	Cr. No. 1:24-cr-00038-JL-TSM
)	
Destinie L. Berard)	
)	
Defendant.)	

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*
PURSUANT TO FED. R. APP. P. 24**

NOW COMES Defendant Destinie L. Berard, *pro se*, and states:

1. This pleading has been prepared without the assistance of any professional attorney and should be construed so “as to do substantial justice.” [*Erickson v. Pardus*, 551 U.S. 89 \(2007\)](#).
2. Ms. Berard’s sealed financial affidavit ([Doc 6](#)) was docketed by this Court on June 6, 2024.
3. Ms. Berard asserts she is unable to afford the cost of professional counsel for an adequate defense in this criminal case.
4. The Sixth Amendment guarantees a right to counsel to criminal defendants who are unable to afford their own. [*Gideon v. Wainwright*, 372 U.S. 335 \(1963\)](#). Ms. Berard also has a right to effective assistance of counsel. [*Strickland v. Washington*, 466 U.S. 668 \(1984\)](#).

5. On October 24, 2024, the United States Court of Appeals for the First Circuit issued a *Case Opening Notice*, [No. 24-1943](#), directing the appellant to file this *Motion*.¹
6. Pursuant to [Fed. R. App. P. 24\(a\)\(3\)](#), Ms. Berard respectfully requests that this Court determine that she is “financially unable to obtain an adequate defense in [this] criminal case.”
7. Consequently, Ms. Berard respectfully requests that this Court now grant her leave to proceed *in forma pauperis* on appeal.

WHEREFORE, Ms. Berard respectfully request that this Court:

- A) Grant Ms. Berard leave to proceed *in forma pauperis* on appeal; or,
- B) Set forth the reasons for any denial in a written, narrative order; and,
- C) For other such relief as is just and equitable.

Respectfully submitted,

/s/ *Destinie Berard*

DESTINIE BERARD

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October 25, 2024.

¹ A copy of the *Case Opening Notice* accompanies this pleading.